

MORSE SAYS IT WASN'T FAIR

TO PUT HIS JURY IN THE HANDS OF GOVERNMENT AGENTS

And Let Them Drink All the Whiskey They Wanted—No Judge Would Knowingly Do It. He Declares—Motion for a New Trial on Tuesday in U. S. Court.

Martin W. Littleton, counsel for Charles W. Morse, will appear before the Circuit Court for the Southern District of New York to-day to argue the motion for a new trial on the ground that the jury which tried Morse was influenced by the Government detectives in whose care they were placed, and also that the two of the jurors drank to excess and were unable to decide impartially the facts presented to them at the trial.

In the Toms yesterday Mr. Morse dictated the following statement: "I am coming close to the end of a bitter, nerve racking struggle for justice. What that end will be I am not able to foretell—whether servitude under a sentence which is rarely imposed even upon a murderer, or a new trial with a chance to submit my case to another jury after the passions of the public have cooled and the cry for a victim has ceased. If it be servitude in a distant State and climate away from my family and friends I shall meet it with a firm consciousness that I have not violated the law or done wrong to a single individual. If it be a new trial I shall be willing to have a jury empaneled at once, placed in the custody of impartial officers, kept free of hostile influences and under the most rigid supervision, and to submit my case to a new trial on the ground that the jury which tried me was influenced by the Government's case, because all of the evidence is a matter of record, and if any witness is absent or dead his testimony could be read. If the Government has a good case it can prove it again, but if I am denied a new trial there is no remedy for me against the wrong and misconduct of which I think the special officers and jury were guilty."

"You ask me what misconduct of the jury I refer to. Well, I refer to the fact that a majority of them instead of keeping their heads clear and their blood cool, drank enough and often enough to prevent them from receiving and understanding and calmly weighing the complicated facts of my case."

"I refer to the fact that they drank at places and under circumstances and quantities which of itself shows that they did not realize and understand the grave duty which they were called upon to discharge. I refer also to the fact that when they had emptied a bottle in their card room they would call the empty bottle an 'exhibit,' indicating the frivolous and irresponsible way in which they looked upon the most important evidence in the case."

"In speaking of the misconduct of the paid agents in charge of the jury I mean the fact that the paid agents of these officials of the Government were engaged in trying to convict me, and not the impartial officers of the court designed to guard the jury. I refer to the further fact that they wore the bad badges of their authority with their official titles upon them; that they carried pistols on their persons, and that they drank with the jurors in their rooms and in saloons at different intervals. While I do not know of any said paid agent except in one instance said anything to the jury injurious to me, I know they were employed and paid by those officials who were trying to convict me, and that they had the incentive and opportunity to do so, and even if they had done so I would have no way of proving it. Again, I mean that these paid agents allowed the jury to drink all they wished to, that they allowed them to read the news papers containing bitterly hostile articles against me, all of which was against the spirit of the order given by the Court. I refer to the fact that another of the jurors had been incompetent for several years, and his three physicians say so under oath. I refer to the fact that another of the jurors was in such a state as the result of drink as to require the attendance of a physician while deliberating on my liberty."

"With all of these facts, and more that I cannot give, I leave to any fair-minded citizen if the verdict against me should stand, or whether I should not have another chance, before a different jury surrounded by different influences, to establish my innocence. There is not a business man in New York who would rely on the result of any business conference in which the members conducted themselves as this jury did. There is not a judge in the United States who would knowingly permit the paid agents of the prosecution to take charge of the jury and conduct themselves as these men did."

"I shall await the result and abide by it. C. W. Morse."

After dictating this statement Mr. Morse sent for Mr. Littleton and submitted it to him. Mr. Littleton said that he saw no reason why the statement should not be given to the reporters, and Mr. Morse then had copies made and gave them out. Mr. Morse said that he was in first rate condition, with the exception that the strain of waiting had unquestionably told on his nerves.

COLLEGE ROMANCE ENDS.

Mrs. Bigney Divorced From Man With Whom She Eloped.

New Bedford, Mass., Dec. 9.—The intercollegiate romance of Mrs. June Keith Bigney and her young husband, a runaway marriage that lasted two years and a half, was ended to-day in the Superior Court when the young bride of the son of Sidney O. Bigney, the Attleboro manufacturer and politician, got a decree nisi.

The suit was uncontested. Mrs. Bigney appeared in court with her parents, Mr. and Mrs. Douglas Smith of Minneapolis, Ind., said she was married June 17, 1907, that she had no children and that the offense complained of occurred September 19, 1908. No name was mentioned. She said she last saw her husband December 14, 1908, and had since lived apart from him.

June Smith was a freshman at Smith College and Bigney was the first class when at the close of the college year in 1907 they eloped in an automobile to Thompson, Conn., got a clergyman, took him to the altar in their motor car and were married.

The parents of both the young people quickly forgave them and after a European tour they established home in Attleboro. The husband went to work in his father's jewelry factory at a small salary, but they lived in luxury.

Vacancy in Commission of Accounts. Henry C. Buncke, a Commissioner of Accounts, resigned yesterday and will be appointed by Mayor McClellan to his old place of chief auditor of the Board of Water Supply. At the solicitation of the Mayor he gave that place up to become a Commissioner of Accounts to fill the vacancy caused by the removal of Ernest Gallaher. The Mayor will not appoint a new Commissioner in Mr. Buncke's place.

SAYS HE GOT HER JEWELS.

Arrest in Jersey City the Sequel of an Automobile Meeting Here.

Archibald L. Allen of 30 Mercer street, Jersey City, may be nothing more than a piano salesman over there, but he was arrested in the Wisner Piano Company's store at 138 Newark avenue in Jersey City last night because the police think that on this side of the river he helped to rob a young woman of \$2,000 worth of jewelry on the night of November 5.

The Manhattan detective who made the arrest was accompanied to Jersey City by Miss Grace Fair, an automobile demonstrator, who lives at 16 West Sixth street and is a friend of Miss Blanche Franer, a visitor from Atlanta, Ga., the one who was robbed. In Jersey City Miss Fair peered through a window of the store at a dapper young man and properly told her, after she had by her side to go in and arrest him; there was one of the two concerned in the disappearance of Miss Franer's jewels, she said.

According to Miss Fair, in the course of her work as an automobile demonstrator, she met Allen and he asked her to introduce him to her friend, Miss Franer, who was a stranger in town and who needed companionship. Allen made an engagement with Miss Fair for himself and a friend of his, the understanding being that Miss Fair should be accompanied by her Southern companion. On the evening in question, which was the 5th of last month, Miss Fair had to take out an auto, and consequently her friend, Miss Franer, had to meet Allen's friend alone.

They had dinner together, so Miss Fair said, and after dinner, after Miss Franer's companion said that he would have to go to his room at 330 West 11th street and get his overcoat. Miss Franer, being new to the ways of the city, went with him and there she met Allen. As she afterward complained to the police, Miss Franer did not get out of that room until 2 o'clock in the morning, and then it was with all her jewels missing. She said some drug had been given her.

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MRS. MARTIN'S WHEREABOUTS

MOTHER OF MRS. SNEAD SAID TO BE IN VIRGINIA.

May Be Located Definitely Within a Few Hours—Counsel Explains the Two Marriages of the Sneads—Expert Examines Note Found in Bathroom.

ROANOKE, Va., Dec. 9.—It is believed that Mrs. Caroline B. Martin, mother of Mrs. Osey Snead, will be located within the next forty-eight hours. Stories reaching here from Christiansburg, where the Martins, Wardlaw and Sneads formerly owned and operated the Montgomery Female Seminary, are to the effect that Mrs. Martin is at the home of a relative two miles from Christiansburg.

It is stated that on the night Mrs. Martin was believed to have left Christiansburg for Roanoke three weeks ago she did not board a train, but summoned a hackman and had herself and baggage transferred to a farm-house in the county, and that her sister, who resides in Christiansburg, has been paying nightly visits to her ever since.

The statement of Prosecutor Mott of Essex county that Fletcher Snead, husband of Mrs. Osey Snead, was found dead in her bathtub in East Orange, N. J., a week ago Monday, was alive two months ago was supported yesterday when two New York men declared that they had seen him and talked with him. These men were Morris Bader, a tailor, of 1070 Rogers avenue, Flatbush, and John E. Ehler, a grocer, of Nostrand avenue and Clarendon road, Flatbush. They said that Snead was apparently in good health.

A hand-writing expert had been secured to examine the note found beside the bathtub when the dead body was discovered, and provided in that instrument itself. With the exception of the Senate's power to approve appointments and treaties and to try impeachments, Congress is still limited chiefly to the executive and legislative functions, and this power has been largely deprived of its exclusive character, for Congress has shared it with both the other branches of government. It has yielded to the Executive or to the commission appointed by him certain distinctly legislative powers in the making of treaties and in the control of corporations, in the fixing of customs duties and of railway rates.

But the pendulum has swung back again and the Constitution once more occupies a warm place in the hearts of the American people. It is true that we recognize the fact that the Constitution was made for us and not we for the Constitution, yet the sentiment of reverence and love which we feel for it is quite beyond the comprehension of those not of our blood. This sentiment is as potent to-day as ever in our history, although the point of view from which we regard the Constitution has changed. We no longer think of it as a collection of maxims for our moral guidance, as a sort of eighteenth century Koran translated to us through the instrumentality of an inspired convention; we think of it as a collection of fundamental laws, as the legal foundation upon which to build the structure of our Government.

It is to be regretted, however, that we shall always preserve our love for the Constitution as a basis of law, for that love at least gives us an ideal to maintain.

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BROKAW BROTHERS

The making of Boys' Clothing is one of the important parts of our large business. The trustworthy fabrics, careful tailoring and pleasing styles that characterize our Men's garments are also found embodied in the clothes we make for youngsters. Most of the Boys we have clothed continue to wear our clothing after graduating from knickerbockers.

First Trial in New Police Building. The trial room in the new Police Headquarters was put into commission yesterday. The first case was that of John J. Flynn of the Church street station charged with assaulting and arresting without cause Joseph G. Hermann of Yorkers. Hermann alleged that the policeman was intoxicated. Flynn denied the charges. Decision was reserved.

Princeton, N. J., Dec. 9.—The first of the two Stafford Little lectures by Mayor George B. McClellan of New York at Princeton University was delivered to-day. The subject was "What is Legislation?" Mayor McClellan explained how laws are made in this country, and provided in that instrument itself. With the exception of the Senate's power to approve appointments and treaties and to try impeachments, Congress is still limited chiefly to the executive and legislative functions, and this power has been largely deprived of its exclusive character, for Congress has shared it with both the other branches of government. It has yielded to the Executive or to the commission appointed by him certain distinctly legislative powers in the making of treaties and in the control of corporations, in the fixing of customs duties and of railway rates.

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BROKAW BROTHERS

The making of Boys' Clothing is one of the important parts of our large business. The trustworthy fabrics, careful tailoring and pleasing styles that characterize our Men's garments are also found embodied in the clothes we make for youngsters. Most of the Boys we have clothed continue to wear our clothing after graduating from knickerbockers.

First Trial in New Police Building. The trial room in the new Police Headquarters was put into commission yesterday. The first case was that of John J. Flynn of the Church street station charged with assaulting and arresting without cause Joseph G. Hermann of Yorkers. Hermann alleged that the policeman was intoxicated. Flynn denied the charges. Decision was reserved.

Princeton, N. J., Dec. 9.—The first of the two Stafford Little lectures by Mayor George B. McClellan of New York at Princeton University was delivered to-day. The subject was "What is Legislation?" Mayor McClellan explained how laws are made in this country, and provided in that instrument itself. With the exception of the Senate's power to approve appointments and treaties and to try impeachments, Congress is still limited chiefly to the executive and legislative functions, and this power has been largely deprived of its exclusive character, for Congress has shared it with both the other branches of government. It has yielded to the Executive or to the commission appointed by him certain distinctly legislative powers in the making of treaties and in the control of corporations, in the fixing of customs duties and of railway rates.

But the pendulum has swung back again and the Constitution once more occupies a warm place in the hearts of the American people. It is true that we recognize the fact that the Constitution was made for us and not we for the Constitution, yet the sentiment of reverence and love which we feel for it is quite beyond the comprehension of those not of our blood. This sentiment is as potent to-day as ever in our history, although the point of view from which we regard the Constitution has changed. We no longer think of it as a collection of maxims for our moral guidance, as a sort of eighteenth century Koran translated to us through the instrumentality of an inspired convention; we think of it as a collection of fundamental laws, as the legal foundation upon which to build the structure of our Government.

It is to be regretted, however, that we shall always preserve our love for the Constitution as